

0005

File



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

January 29, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P 001 720 817

Mr. Charles Gent
Genwal Coal Company
P. O. Box 1201
Huntington, Utah 84527

Dear Mr. Gent:

RE: Finalized Assessments for State Violation No.'s N84-2-20-6,
N84-4-14-1 N85-4-5-2, N85-4-6-1, N85-4-7-2, N85-4-9-1,
N85-4-12-3, ACT/015/032, Folder #8, Emery, County, Utah

The civil penalties for the above referenced violations have been finalized. These assessments have been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessments, due to the length of the abatement period.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, these assessed civil penalties must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division and mail % Jan Brown at the address.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Dianne R. Nielson".
for Constance K. Lundberg
Assessment Conference Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office
B. Roberts, Attorney Generals Office
9099Q

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N84-4-20-6

PERMIT # ACT/015/032

VIOLATION 1 OF 6

Nature of violation:

Failure to protect topsoil from water
erosion and contaminants.

Violation # 2 of 6 was vacated

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>03</u> | <u>03</u> |
| Extent of Damage | <u>08</u> | <u>08</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>18</u> | <u>18</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>49</u> | <u>49</u> |
| TOTAL ASSESSED FINE | | <u>\$ 960</u> |

3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

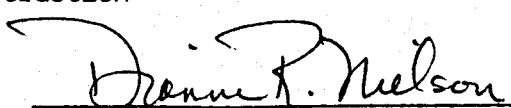
Compliance Schedule:

December 20, 1985
February 1, 1986

Submit Draft MRP
Submit Final MRP May 1, 1986
Achieve approval of Final MRP with all necessary plans.
Begin construction
Finish construction

June 1, 1986
July 31, 1986

Assessment Date 1-28-86
0109Q


for Constance K. Lundberg
Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N84-4-20-6

PERMIT # ACT/015/032

VIOLATION 3 OF 6

Nature of violation:

Failure to maintain appropriate sediment
control measures

| | <u>Proposed</u> <u>Assessment</u> | <u>Final</u> <u>Assessment</u> |
|-------------------------------|--------------------------------------|-----------------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>13</u> | <u>13</u> |
| Extent of Damage | <u>12</u> | <u>12</u> |
| (b) Hindrance to Enforcement | | |
| (3) Negligence | <u>15</u> | <u>15</u> |
| (4) Good Faith | | |
| TOTAL | <u>60</u> | <u>60</u> |

TOTAL ASSESSED FINE \$ 1,380

3. Narrative:

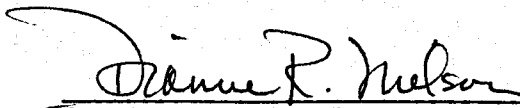
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Submit Final MRP May 1, 1986
Achieve approval of Final MRP with all necessary plans.
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June 1, 1986
July 31, 1986


for Constance K. Lundberg
Assessment Conference Officer

Assessment Date 1-28-86
0109Q

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N84-4-20-6

PERMIT # ACT/015/032

VIOLATION 4 OF 6

Nature of violation:

Failure to comply with the terms and
conditions of the mine permit.

| | <u>Proposed</u> <u>Assessment</u> | <u>Final</u> <u>Assessment</u> |
|-------------------------------|--------------------------------------|-----------------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u> </u> | <u> </u> |
| Extent of Damage | <u> </u> | <u> </u> |
| (b) Hindrance to Enforcement | <u>17</u> | <u>17</u> |
| (3) Negligence | <u>18</u> | <u>18</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>55</u> | <u>55</u> |

TOTAL ASSESSED FINE \$ 1,180

3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

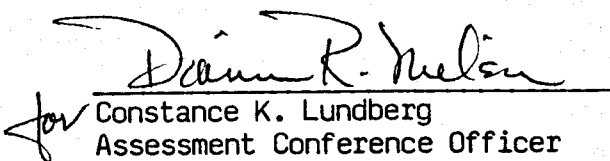
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June 1, 1986
July 31, 1986

Assessment Date 1-28-86
0109Q


Constance K. Lundberg
Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N84-4-20-6

PERMIT # ACT/015/032

VIOLATION 5 OF 6

Nature of violation:

Failure to conduct water monitoring in
accordance with the monitoring program
approved by the Division.

| | <u>Proposed</u> <u>Assessment</u> | <u>Final</u> <u>Assessment</u> |
|-------------------------------|--------------------------------------|-----------------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u> </u> | <u> </u> |
| Extent of Damage | <u> </u> | <u> </u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>20</u> | <u>20</u> |
| (4) Good Faith | <u>- 12</u> | <u>- 12</u> |
| TOTAL | <u>46</u> | <u>46</u> |
| TOTAL ASSESSED FINE | | <u>\$ 840</u> |

3. Narrative:

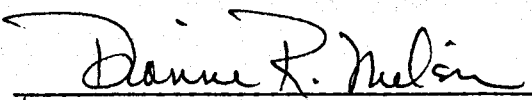
There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

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Achieve approval of Final MRP with all necessary plans.
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June 1, 1986
July 31, 1986


for Constance K. Lundberg
Assessment Conference Officer

Assessment Date 1-28-86
0109Q

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N84-4-20-6

PERMIT # ACT/015/032

VIOLATION 6 OF 6

Nature of violation:

Failure to control noncoal waste to ensure
that runoff does not degrade water quality

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>20</u> | <u>20</u> |
| Extent of Damage | <u>24</u> | <u>24</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>28</u> | <u>28</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>92</u> | <u>92</u> |

TOTAL ASSESSED FINE \$ 5,000

3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

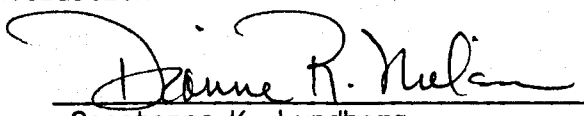
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June 1, 1986
July 31, 1986

Assessment Date 1-28-86
0109Q


for Constance K. Lundberg
Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N84-4-14-1
PERMIT # ACT/015/032 VIOLATION 1 OF 1

Nature of violation: Pond not built to specifications, because of this, pond did not operate correctly.

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>20</u> | <u>20</u> |
| Extent of Damage | <u>23</u> | <u>23</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>10</u> | <u>10</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>73</u> | <u>73</u> |
| TOTAL ASSESSED FINE | | <u>\$ 3,320</u> |

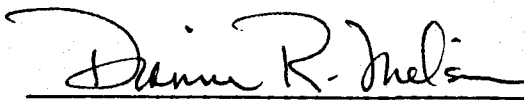
3. Narrative:

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Assessment Date 1-28-86
0109Q


for Constance K. Lundberg
Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N85-4-5-2

PERMIT # ACT/015/032

VIOLATION 1 OF 2

Nature of violation:

Potential public health hazard existed due to
the lack of adequate sewage facilities

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>12</u> | <u>12</u> |
| Extent of Damage | <u>9</u> | <u>9</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>18</u> | <u>18</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>59</u> | <u>59</u> |

TOTAL ASSESSED FINE \$ 1,340

3. Narrative

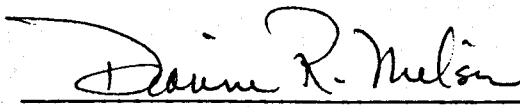
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Finish construction

June 1, 1986
July 31, 1986


for Constance K. Lundberg
Assessment Conference Officer

Assessment Date 1-28-86

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N85-4-5-2

PERMIT # ACT/015/032 VIOLATION 2 OF 2

Nature of violation: Failure to mine in accordance with an approved mine plan.

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>15</u> | <u>15</u> |
| Extent of Damage | <u>10</u> | <u>10</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>22</u> | <u>22</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>67</u> | <u>67</u> |

TOTAL ASSESSED FINE \$ 1,940

3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

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Constance K. Lundberg
Assessment Conference Officer

Assessment Date 1-28-86
0109Q

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N85-4-6-1

PERMIT # ACT/015/032

VIOLATION 1 OF 1

Nature of violation:

Failure to conduct surface water monitoring
in accordance with an approved plan.

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u> </u> | <u> </u> |
| Extent of Damage | <u> </u> | <u> </u> |
| (b) Hindrance to Enforcement | <u>8</u> | <u>8</u> |
| (3) Negligence | <u>18</u> | <u>18</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>46</u> | <u>46</u> |

TOTAL ASSESSED FINE \$ 840

3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

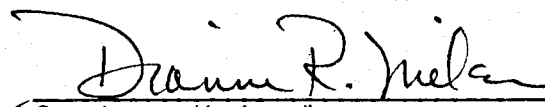
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0109Q


Constance K. Lundberg
Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N85-4-7-2

PERMIT # ACT/015/032

VIOLATION 1 OF 2

Nature of violation: Failure to conduct mining activities with the terms and conditions of an approved permanent permit.

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u> </u> | <u> </u> |
| Extent of Damage | <u> </u> | <u> </u> |
| (b) Hindrance to Enforcement | <u>15</u> | <u>15</u> |
| (3) Negligence | <u>16</u> | <u>16</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>51</u> | <u>51</u> |

TOTAL ASSESSED FINE \$ 1,040

3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

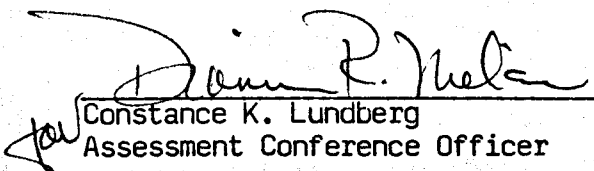
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Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N85-4-7-2

PERMIT # ACT/015/032

VIOLATION 2 OF 2

Nature of violation:

Failure to mine in accordance with a approved permanent permit.

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>13</u> | <u>13</u> |
| Extent of Damage | <u>17</u> | <u>17</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>12</u> | <u>12</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>62</u> | <u>62</u> |

TOTAL ASSESSED FINE \$ 1,540

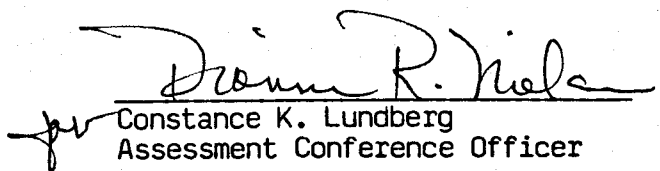
3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

Compliance Schedule:

| | |
|-------------------|---|
| December 20, 1985 | Submit Draft MRP |
| February 1, 1986 | Submit Final MRP May 1, 1986 |
| | Achieve approval of Final MRP with all necessary plans. |
| June 1, 1986 | Begin construction |
| July 31, 1986 | Finish construction |

Assessment Date 1-28-86
0109Q


Constance K. Lundberg
Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N85-4-9-1

PERMIT # ACT/015/032 VIOLATION 1 OF 1

Nature of violation: Failure to mine in accordance with an approved permit.

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>15</u> | <u>15</u> |
| Extent of Damage | <u>12</u> | <u>12</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>21</u> | <u>21</u> |
| (4) Good Faith | <u>- 3</u> | <u>-3</u> |
| TOTAL | <u>65</u> | <u>65</u> |
| TOTAL ASSESSED FINE | | <u>\$ 1,780</u> |


3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

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Assessment Date 1-28-86
0109Q


for Constance K. Lundberg
Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N85-4-12-3

PERMIT # ACT/015/032

VIOLATION 1 OF 3

Nature of violation:

Disturbed area runoff was bypassing the
sediment pond.

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>11</u> | <u>11</u> |
| Extent of Damage | <u>18</u> | <u>18</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>14</u> | <u>14</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>- 7</u> | <u>-7</u> |
| TOTAL ASSESSED FINE | | <u>\$ 56</u> |

3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

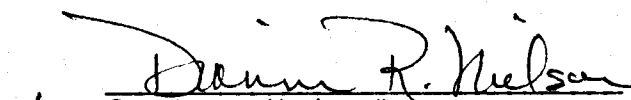
Compliance Schedule:

December 20, 1985
February 1, 1986

Submit Draft MRP
Submit Final MRP May 1, 1986
Achieve approval of Final MRP with all necessary plans.
Begin construction
Finish construction

June 1, 1986
July 31, 1986

Assessment Date 1-28-86
0109Q


for Constance K. Lundberg
Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N85-4-12-3

PERMIT # ACT/015/032

VIOLATION 2 OF 3

Nature of violation:

Erosion of upper topsoil stockpile occurred
as a result of inadequate protection measures

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>02</u> | <u>02</u> |
| Extent of Damage | <u>02</u> | <u>02</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>18</u> | <u>18</u> |
| (4) Good Faith | <u>- 5</u> | <u>- 5</u> |
| TOTAL | <u>37</u> | <u>37</u> |

TOTAL ASSESSED FINE \$ 540

3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

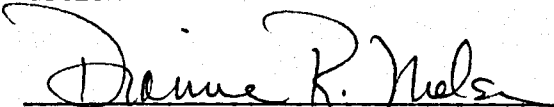
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Achieve approval of Final MRP with all necessary plans.
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June 1, 1986
July 31, 1986

Assessment Date 1-28-86
0109Q


Constance K. Lundberg
for Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon

NOV # N85-4-12-3

PERMIT # ACT/015/032

VIOLATION 3 OF 3

Nature of violation:

Greater than 1000 square feet has been
contaminated by the spill of oil and gas.

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Vio. | <u>20</u> | <u>20</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u>16</u> | <u>16</u> |
| Extent of Damage | <u>19</u> | <u>19</u> |
| (b) Hindrance to Enforcement | <u> </u> | <u> </u> |
| (3) Negligence | <u>25</u> | <u>25</u> |
| (4) Good Faith | <u> </u> | <u> </u> |
| TOTAL | <u>80</u> | <u>80</u> |

TOTAL ASSESSED FINE \$ 4,480

3. Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

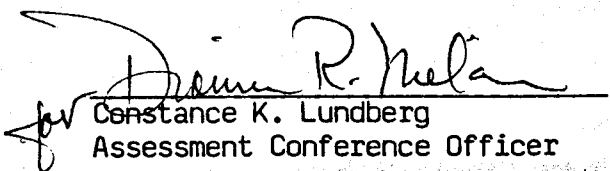
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Constance K. Lundberg
Assessment Conference Officer